

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TIFFANY KNIGHT MAYS,

Plaintiff,

vs.

RYAN CHASE GORE and
BANK OF ENGLAND d/b/a
ENG LENDING,

Defendants.

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No. 4:12-cv-00068-SWW

ORDER

Plaintiff Tiffany Knight Mays brings this action against Ryan Chase Gore (Gore) and Bank of England d/b/a ENG Lending (ENG Lending) alleging negligent hiring, retention, and supervision of Gore, fraud, violations of the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et. seq.*, and violations of the Credit Repair Organizations Act, 15 U.S.C. § 1679 *et seq.*, with respect to a home loan she states she received from ENG Lending. This action was originally filed in the Circuit Court of Pulaski County, Arkansas, but was removed to this Court by ENG Lending (and consented to by Gore) on February 1, 2012.

Following the filing of her original complaint, plaintiff filed in state court an amendment to the complaint [doc.#4], a second amendment to the complaint [doc.#7], and a third amendment to the complaint [doc.#8]. In each successive complaint, plaintiff states that she “adopts and readopts any and all allegations and/or statements of fact as specified” in her previous complaints. In response to the original and amended complaint, ENG Lending filed in state court motions to dismiss, “or in the alternative,” answers to the original and amended complaint. No briefs were filed with these motions.

Local Rule 5.5(e) of the Eastern and Western District of Arkansas provides that “[a]ny amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of Court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.” Local Rule 7.2(a) provides that “[a]ll motions except those mentioned in paragraph (d) [which does not mention motions to dismiss] shall be accompanied by a brief consisting of a concise statement of relevant facts and applicable law.”

Given the disjointed nature of plaintiff’s various complaints, and consistent with Local Rule 5.5, the Court orders plaintiff to file within twenty (20) days of the date of entry of this Order a fourth amended complaint that incorporates in that one document everything she is alleging in this action; the Court directs that plaintiff not incorporate in this fourth amended complaint any of the prior complaints by reference.¹

The Court denies as moot ENG Lending’s motions to dismiss. Any future motions must be filed in accordance with Local Rule 7.2.

IT IS SO ORDERED this 6th day of February 2012

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ As “[i]t is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect,” *In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005), the soon-to-be filed fourth amended complaint will be the sole basis of this action.